

U.S. Patent Application Serial No. 10/006,717
Response dated June 17, 2004
Reply to OA of March 18, 2004

REMARKS

Claims 1, 2, 6-8, 10 and 11 are currently being examined, of which claims 1, 7, and 8 have been amended. Claim 5 has been canceled without prejudice or disclaimer of its subject matter. Claims 3, 4, and 9 have been withdrawn. No new claims have been added. It is respectfully believed that no new matter has been introduced.

Before turning to the cited art, a brief review of the present invention is in order. The present invention provides a disposable syringe device auxiliary unit for preventing iatrogenic infection through a needle, comprising: a cap holding section for disposing and holding therein a cap which covers, when a medical treatment is performed, a needle positioned at the extreme end of a syringe barrel constituting a disposable syringe device, the cap having a cap length measured from a collar section of the cap to the opposite extreme end of the cap; a plurality of members formed in thicknesses corresponding to different cap lengths, and being fixed on an extreme end portion of the cap holding section; and a needle separating section for separating the needle, which is covered with the cap and fitted on an end of the syringe barrel, from the syringe barrel, wherein the cap holding section has bottom portions defined by the plurality of members.

In accordance with the principles of the present invention, a cap holding section 83a (see FIGS. 9A-11) holds therein a plurality of caps 4, with each cap 4 having a cap length measured

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from a collar section 4a to the opposite extreme end of the cap (see FIG. 1A, for example). Also, the present invention provides a plurality of members 86a, 86b which are formed in thicknesses corresponding to different cap lengths (see FIGS. 9A-11). The members 86a, 86b are fixed on an extreme end portion of the cap holding section 83a, as shown in FIGS. 9A-11. These features are disclosed throughout the application, including page 21, line 19 to page 25, line 6, for example.

The present invention offers many advantages. For example, the present invention provides a device which can be conveniently and reliably used during a surgical operation because it provides a very stable device. Also, the present invention provides a device which facilitates a recapping of a needle by a single-step operation. Also, the present invention provides a device which facilitates a removal of a needle by a single-step operation.

Features relating to the amended portions of claims 1, 7, and 8 are supported throughout the application, including FIGS. 1 and 9A-11, and page 21, line 19 to page 25, line 6 of the specification, for example.

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Claims 1, 2, 6-8, 10, and 11 stand rejected under 35 U.S.C. 103(a) as obvious over USP 4,836,373 (**Goldman**) or USP 5,085,028 (**Kennedy**) or USP 5,469,964 (**Bailey**) in view of USP 5,183,156 (**Bruno '156**) or USP 5,064,223 (**Bruno '223**).

Applicant respectfully traverses this rejection.

The Examiner's proposed combinations of art, in particular "**Goldman or Kennedy or Bailey** in view of **Bruno '156 or Bruno '223**", fail to describe, teach, or suggest the following features of claim 1, as amended: "a cap holding section for disposing and holding therein a cap which covers, when a medical treatment is performed, a needle positioned at the extreme end of a syringe barrel constituting a disposable syringe device, the cap having a cap length measured from a collar section of the cap to the opposite extreme end of the cap; a plurality of members formed in thicknesses corresponding to different cap lengths, and being fixed on an extreme end portion of the cap holding section" in combination with the other claimed features.

Therefore, in view of the foregoing, the teachings of the Examiner's proposed combinations of the five references fail to describe, teach, or suggest the features of claim 1, as amended.

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The present claimed invention, as set forth in claim 1, as amended, is easily distinguishable from the teachings of the Examiner's proposed combinations of the five references.

The teachings of the individual references are discussed below, to facilitate an explanation of the many ways in which the present claimed invention is distinguishable from the Examiner's proposed combinations of the five references.

Goldman discloses the following: "syringe and cover handling device 24 has an expelling member 34 for driving cover 18 out of frictional engagement with body 28. Expelling member 34 includes a shelf portion 36 within a body 28, a knob portion 38 outside body 28" (col. 2, lines 64-68). **Goldman** discloses a raising and lowering of a member provided in a cylindrical body (see FIGS. 2 and 4). The **Goldman** device is of an unstable type which should not be used during an operation. **Goldman** fails to describe, teach, or suggest the plurality of members formed in thicknesses corresponding to different cap lengths as set forth in claim 1, as amended, in combination with the other claimed features.

Kennedy discloses "a dispenser 10 having internal cavity 12 adapted to store a plurality of needle covers 14" (col. 2, lines 29-31). The internal cavity 12 has a rear wall with securing

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holes 23 (FIG. 1A). **Kennedy** fails to describe, teach, or suggest the plurality of members formed in thicknesses corresponding to different cap lengths as set forth in claim 1, as amended, in combination with the other claimed features.

Bailey discloses “the distance D2 at the closest point of each pair of locking members, such as 38A and 38B, is slightly less than the cross sectional dimension D1 of the sheath 24B. This distance D2 is sufficient to cause locking members 38A, 38B to grip the needle sheath 24B when in the clamped or engaged position with sufficient pressure to permit syringe 12B to be withdrawn from device 10 while sheath 24B remains therein” (col. 4, lines 7-14; FIG. 3). The **Bailey** device removes a needle from a syringe by rotating a grooved shaft. However, the **Bailey** device is not of the type to hold a needle as in the present claimed invention, as set forth in claim 1, as amended. In addition, it is difficult in **Bailey** to recap or remove the needle by a single operation, as in the present invention. **Bailey** fails to describe, teach, or suggest the plurality of members formed in thicknesses corresponding to different cap lengths as set forth in claim 1, as amended, in combination with the other claimed features.

Bruno ‘156 and **Bruno ‘223** disclose needle removal and containment devices. **Bruno ‘156** and **Bruno ‘223**, alone or in combination, fail to describe, teach, or suggest the plurality of members formed in thicknesses corresponding to different cap lengths as set forth in claim 1, as amended, in combination with the other claimed features.

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There is no suggestion in the references themselves, or in the knowledge of one or ordinary skill in the art, to modify any combination of the teachings of **Goldman, Kennedy, Bailey, Bruno '156**, and **Bruno '223** to arrive at the features set forth in claim 1, as amended.

Goldman, Kennedy, Bailey, Bruno '156, and **Bruno '223**, alone or in combination, fail to describe, teach, or suggest the following features of claim 1, as amended: “a cap holding section for disposing and holding therein a cap which covers, when a medical treatment is performed, a needle positioned at the extreme end of a syringe barrel constituting a disposable syringe device, the cap having a cap length measured from a collar section of the cap to the opposite extreme end of the cap; a plurality of members formed in thicknesses corresponding to different cap lengths, and being fixed on an extreme end portion of the cap holding section” in combination with the other claimed features.

There is no suggestion in the references themselves, or in the knowledge of one or ordinary skill in the art, to modify any combination of the teachings of **Goldman, Kennedy, Bailey, Bruno '156**, and **Bruno '223** to arrive at the features set forth in claim 7, as amended.

Goldman, Kennedy, Bailey, Bruno '156, and **Bruno '223**, alone or in combination, fail to describe, teach, or suggest the following features of claim 7, as amended: “a cap holding section for disposing and holding therein a cap which covered, when a medical treatment was

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performed, a needle positioned at the extreme end of a syringe barrel constituting a disposable syringe device, the cap having a cap length measured from a collar section of the cap to the opposite extreme end of the cap; and a plurality of members formed in thicknesses corresponding to different cap lengths, and being fixed on an extreme end portion of the cap holding section, wherein the cap holding section has bottom portions defined by the plurality of members” in combination with the other claimed features.

There is no suggestion in the references themselves, or in the knowledge of one or ordinary skill in the art, to modify any combination of the teachings of **Goldman, Kennedy, Bailey, Bruno '156**, and **Bruno '223** to arrive at the features set forth in claim 8, as amended.

Goldman, Kennedy, Bailey, Bruno '156, and **Bruno '223**, alone or in combination, fail to describe, teach, or suggest the following features of claim 8, as amended: “a cap holding section; and a plurality of members ~~having~~ formed in thicknesses corresponding to different cap lengths, and being fixed on an extreme end portion of the cap holding section, wherein the cap holding section has bottom portions defined by the plurality of members” in combination with the other claimed features.

Thus, Applicant respectfully submits that this rejection should be withdrawn.

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In view of the aforementioned amendments and accompanying remarks, claims, as amended, are in condition for allowance, which action, at an early date, is requested.

In the event that this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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